

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WILUS INSTITUTE OF STANDARDS
AND TECHNOLOGY INC.,

Plaintiff,

v.

HP INC., et al.,

Defendants.

Civil Action No. 2:24-cv-0752-JRG-RSP

LEAD CASE

JURY DEMANDED

JOINT MOTION TO AMEND THE DOCKET CONTROL ORDER

Plaintiff, Wilus Institute of Standards and Technology, Inc. (“Wilus”) and Defendants HP Inc., Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., Askey Computer Corp, and Askey International Corp. (collectively, “Defendants”) (collectively with Wilus, the “Parties”) file this Joint Motion to Amend the Docket Control Order (Dkt. No. 47) and would show the Court as follows:

The Parties request a brief one-week extension of the deadline to file their proposed e-discovery order. No other deadlines will be affected by this amendment to the Scheduling Order.

The Parties represent that this Motion is not filed for the purposes of delay, but for good cause and so that justice may be served. The Parties have been diligently working to prepare these materials and respectfully request a brief extension of time in order to finalize these materials. Accordingly, the Parties respectfully request that the Court grant this Joint Motion to Amend the Scheduling Order (Dkt. No. 47) as follows:

Original Deadline	Amended Deadline	Event
June 1, 2026		*Jury Selection – 9:00 a.m. in Marshall, Texas
7 days before Jury Selection		*Defendant to disclose final invalidity theories, final prior art

		references/combinations, and final equitable defenses. ¹
10 days before Jury Selection		*Plaintiff to disclose final election of Asserted Claims. ²
May 4, 2026		* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. ³
April 27, 2026		*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
April 20, 2026		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
April 20, 2026		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
April 13, 2026		*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
April 6, 2026		File Motions <i>in Limine</i>

¹ The proposed DCO shall include this specific deadline. The deadline shall read, “7 days before Jury Selection,” and shall not include a specific date.

² Given the Court’s past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, “10 days before Jury Selection,” and shall not include a specific date.

³ The Parties are referred to the Court’s Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

		The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
April 6, 2026		Serve Objections to Rebuttal Pretrial Disclosures
March 30, 2026		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
March 16, 2026		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
March 9, 2026		*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ⁴ Motions for Summary Judgment shall comply with Local Rule CV-56.
February 23, 2026		*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
February 23, 2026		*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule

⁴ The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

		CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
February 17, 2026		Deadline to Complete Expert Discovery
February 2, 2026		Serve Disclosures for Rebuttal Expert Witnesses
January 12, 2026		Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
December 22, 2025		Deadline to Complete Fact Discovery and File Motions to Compel Discovery
January 6, 2026		Secondary Election of Prior Art Defendants shall serve a Secondary Election of Prior Art, identifying no more than 6 prior art references against each asserted patent
December 9, 2025		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
December 16, 2025		*Claim Construction Hearing – 9 a.m. in Marshall, Texas before Judge Roy Payne
December 5, 2025		Secondary Election of Asserted Claims Plaintiff shall serve a Secondary Election of Asserted Claims, identifying no more than 5 claims per asserted patent, per Defendant Group.
December 2, 2025		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
November 25, 2025		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
November 18, 2025		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
November 4, 2025		Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)

		Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
November 4, 2025		Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
October 21, 2025		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
October 14, 2025		File Response to Amended Pleadings
September 30, 2025		*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
September 23, 2025		Comply with P.R. 4-3 (Joint Claim Construction Statement)
September 2, 2025		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
August 12, 2025		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
February 13, 2025		Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ⁵
February 13, 2025		Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
February 13, 2025	February 20, 2025	File Proposed Order Regarding E-Discovery

Dated: February 13, 2025

Respectfully submitted,

/s/ Reza Mirzaie
Reza Mirzaie
rmirzaie@raklaw.com

⁵ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [<https://perma.cc/RQN2-YU5P>]

CA State Bar No. 246953

Marc A. Fenster

mfenster@raklaw.com

CA State Bar No. 181067

Neil A. Rubin

nrubin@raklaw.com

CA State Bar No. 250761

Christian W. Conkle

cconkle@raklaw.com

CA State Bar No. 306374

Jonathan Ma

jma@raklaw.com

CA State Bar No. 312773

RUSS AUGUST & KABAT

12424 Wilshire Boulevard, 12th Floor

Los Angeles, CA 90025

310-826-7474

**ATTORNEYS FOR PLAINTIFF,
WILUS INSTITUTE OF STANDARDS
AND TECHNOLOGY**

/s/ Lawrence Jarvis

Lawrence Jarvis

jarvis@fr.com

Fish & Richardson P.C.

1180 Peachtree Street NE, 21st Fl.

Atlanta, GA 30309

404-892-5005

Attorneys for HP, Inc.

/s/ Trey Yarbrough

Trey Yarbrough

trey@yw-lawfirm.com

YARBROUGH WILCOX, PLLC

100 E. Ferguson Street, Suite 1015

Tyler, TX 75702

903-595-3111

*Attorneys for Askey Computer Corp. and
Askey International Corp.*

/s/ Melissa Smith

Melissa Smith

Melissa@gillamsmithlaw.com

Gillam & Smith LLP

303 S. Washington Avenue

Marshall, TX 75670
903-934-8450

/s/ Ralph A Phillips

Ralph A. Phillips

rphillips@fr.com

Fish & Richardson P.C.

1000 Maine Avenue, S.W.

Suite 1000

Washington, DC 20024

202-783-5070

*Attorneys for Samsung Electronics Co. Ltd.
and Samsung Electronics America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 13th day of February, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail on this same date.

/s/ Reza Mirzaie

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

/s/ Reza Mirzaie